

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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QUORDALIS V. SANDERS,

Plaintiff,

v.

USDC Case No. 14-CV-293

USCA Case No. 15-2791

PETER BOECK and  
SCOTT M. KELAND,

Defendants.

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ORDER

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On August 14, 2015, the court issued an order dismissing this action. Plaintiff Quordalis V. Sanders appealed and requested leave to proceed *in forma pauperis* on appeal. On September 10, 2015, the court granted Sanders's request. On October 27, 2015, the Seventh Circuit Court of Appeals remanded the case to this court for the limited purpose of considering whether the grant of leave to proceed *in forma pauperis* was appropriate.

The court concludes that Sanders's request for leave to proceed *in forma pauperis* should have been denied. Further review of this case reveals that Sanders incurred his third "strike" under 28 U.S.C. § 1915(g) on June 27, 2003. As such, he may not proceed

*in forma pauperis* on appeal unless he meets the imminent danger exception, which he does not.

Sanders incurred the filing fee by filing the notice of appeal. *Newlin v. Helman*, 123 F.3d 429, 433-34 (7th Cir. 1997), *rev'd on other grounds by*, *Walker v. O'Brien*, 216 F.3d 626 (7th Cir. 2000) and *Lee v. Clinton*, 209 F.3d 1025 (7th Cir. 2000). Because the court is denying Sanders' request to proceed *in forma pauperis* on appeal, he must pay the full filing fee of \$505.00 within **fourteen days** of this order or his appeal will be dismissed. Seventh Circuit Rule 3(b); *Newlin*, 123 F.3d at 433-34.

**WHEREFORE, IT IS HEREBY ORDERED** that that the plaintiff's motion for leave to proceed *in forma pauperis* on appeal is **DENIED**.

**IT IS ALSO ORDERED** that by **November 10, 2015**, the plaintiff shall forward to the Clerk of Court the sum of \$505.00 as the full filing fee in this appeal. The plaintiff's failure to comply with this order will result in dismissal of this appeal. The payment shall be clearly identified by the case name and number assigned to this action.

**IT IS FURTHER ORDERED** that copies of this order be sent to the warden of the institution where the plaintiff is confined, and to PLRA Attorney, United States Court of Appeals for the Seventh Circuit, 219 S. Dearborn Street, Rm. 2722, Chicago, Illinois 60604.

Dated at Milwaukee, Wisconsin this 27th day of October, 2015.

A handwritten signature in black ink that reads "William E. Duffin". The signature is written in a cursive style and is positioned above a solid horizontal line.

WILLIAM E. DUFFIN  
U.S. Magistrate Judge